

REMARKS

In the Office Action, claims 1 and 3-5 are rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent Publication No. 2003/0124423 ("Sasaki") in view of U.S. Patent Publication No. 2003/0082448 ("Cho"); and claim 2 has been rejected for alleged obviousness reasons in view of Sasaki, Cho and further in view of U.S. Patent No. 6,156,459. Applicants believe that the rejection should be overcome as detailed below.

At the outset, Applicants do not believe that the Patent Office can rely on the Sasaki reference as prior art. In this regard, it is believed that the earliest effective prior art date of this reference is its publication date of July 3, 2003, where it is further believed that the corresponding PCT case was not published in English, and thus, the PCT filing date and U.S. filing date for the Sasaki case can not be relied on as § 102(e) prior art.

In the present case, the earliest effective filing date is August 27, 2002 based on the filing date of the corresponding priority application, namely, Japanese Patent Application No. 2002-246848. A certified English translation of the priority document is also enclosed herewith. Therefore, the earliest effective filing date of the present case predates the earliest effective prior art date of the Sasaki reference, and thus, the Sasaki reference cannot be properly applied as prior art.

Based on at least these reasons, Applicants believe that the obviousness rejections which primarily rely on the Sasaki reference should be withdrawn, and thus, the present application should pass to allowance in view of same.

The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

Respectfully submitted,

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